

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

Joshua Galle,

Plaintiff,

v.

Charlotte-Mecklenburg Hospital Authority
d/b/a Atrium Health, Inc.,¹

and

Korn Ferry Hay Group, Inc., a wholly owned
subsidiary of Korn Ferry, Inc.

Defendants.

Civil Action No. 3:20-cv-00391

**DEFENDANT THE CHARLOTTE
MECKLENBURG HOSPITAL
AUTHORITY D/B/A ATRIUM HEALTH'S
MOTION FOR PARTIAL DISMISSAL OF
THE FIRST AMENDED COMPLAINT**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and Local Rule 7.1, Defendant The Charlotte-Mecklenburg Hospital Authority d/b/a Atrium Health (“Defendant” or “Atrium Health”), by and through its undersigned counsel, hereby moves this Court to dismiss Counts III and IV of the First Amended Complaint (Dkt. No. 22) for Plaintiff Joshua Galle’s (“Plaintiff”) failure to state a claim upon which relief can be granted. Specifically, the First Amended Complaint fails to plead sufficient facts to establish any legally cognizable breach of contract claim, breach of public policy claim, and/or negligent misrepresentation claim.

Accordingly, and for the reasons detailed in Defendant's contemporaneously-filed Memorandum in Support of this Partial Motion to Dismiss, Counts III and IV of the First Amended Complaint should be dismissed, with prejudice.

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¹ The correct defendant entity in this matter is the Charlotte-Mecklenburg Hospital Authority d/b/a Atrium Health, which respectfully requests that the correct entity name be substituted in this lawsuit's caption.

Dated: October 16, 2020

/s/Elizabeth H. Pratt

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CERTIFICATE OF SERVICE

This is to certify that on October 16, 2020, the undersigned filed the foregoing using the Court's CM/ECF system which will send notification of such filing to the following CM/ECF participants in this case.

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